

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Case No. 2:17-cv-00642 MJP

Plaintiff,

Plaintiff's Objections to Defendant's  
Notice of Intent to call Witnesses

v.

UNIVERSITY OF WASHINGTON,

**Filed November 8, 2017**

Defendant.

Pursuant to Federal Rules of Civil Procedure (FRCP) 26, Plaintiff files and serves these Objections to Defendant's (UW) Notice of Intent to call Witnesses.

Plaintiff objects to the UW's reservation of rights "consistent with KCLR 26(c)" (*Attachment 1, Defendant's Disclosure of Primary Witnesses, p. 1 line 18*).

A. Plaintiff objects to Defendant's (UW's) disclosure of primary witnesses, identified as "LAY WITNESSES (INCLUDING THOSE WITH EXPERT TESTIMONY)" (*Attachment 1, p. 1 line 20*). The deadline for disclosure of expert testimony was September 27, 2017. UW has not identified any expert witnesses nor provided any reports regarding expert testimony, thus any expert testimony from the identified witnesses should be excluded. (*FRCP 26(a)(2)*)

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3 1. Plaintiff has not filed any list of witnesses in this case as misrepresented by UW,  
4 (*Attachment 1, p. 1 line 21*). Plaintiff's initial disclosures identify "individuals likely to have  
5 discoverable information." (*FRCP 26(a)(1)*) UW does not have the right to call any  
6 witnesses or present testimony from any persons not identified in the parties' witness lists.  
7 (*LCR 16(h),(i)*)

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9 **Regarding UW's named witnesses** (*Attachment 1, p. 2-3*):

10 #3. Plaintiff objects to any testimony from Atty. David Betz regarding his adverse  
11 possession lawsuit against Ms. Dalessio (*FRE 402, 403*). Plaintiff also objects to any  
12 testimony from David Betz regarding his 2015 public records request. This fact is  
13 documented in the public records and is undisputed by the parties. (*FRE 403*)

14 #4. Plaintiff objects to any testimony from Perry Tapper that is offered as expert  
15 testimony, as he has not been identified as such. (*FRCP 26(a)(2)*) The official policies of the  
16 University of Washington's Public Records Office are matters of public record, available at  
17 the University's website. Plaintiff objects to any opinion testimony based on specialized  
18 knowledge (*FRE 701(c)*), but has no objection to testimony regarding personal knowledge of  
19 the actual practices and operations of the Defendant if the witness is identified with sufficient  
20 evidence regarding his knowledge and qualifications. (*FRE 602*)  
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1 #5. Plaintiff objects to any testimony from Eliza Saunders that is offered as expert  
2 testimony, as she has not been identified as such. (*FRCP 26(a)(2)*) The official policies of  
3 the University of Washington's Public Records Office are matters of public record, available  
4 at the University's website. Plaintiff objects to any opinion testimony based on specialized  
5 knowledge (*FRE 701(c)*), but has no objection to testimony regarding personal knowledge of  
6 the actual practices and operations of the Defendant if the witness is identified with sufficient  
7 evidence regarding her knowledge and qualifications. (*FRE 602*)  
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10 #6. Plaintiff objects to any testimony from Barb Benson that is offered as expert  
11 testimony, as she has not been identified as such. (*FRCP 26(a)(2)*) The official records  
12 retention policies at the University of Washington are matters of public record, available at  
13 the University's website. Plaintiff objects to any opinion testimony based on specialized  
14 knowledge (*FRE 701(c)*), but has no objection to testimony regarding personal knowledge of  
15 the actual practices and operations of the Defendant if the witness is identified with sufficient  
16 evidence regarding her knowledge and qualifications. (*FRE 602*)  
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19 #7. Plaintiff objects to any testimony from "Milla" (Ludmila) Barbacar regarding her  
20 complaint filed with the Washington State Human Rights Commission. Plaintiff's complaint  
21 is confidential. (*FRE 502 and Title VII of the Civil Rights Act, SEC. 2000e-5. [Section*  
22 *706(c)], RCW 42.40* ) Plaintiff objects to any expert or opinion testimony. (*FRE 701*) If the

1 UW refuses to admit the relevant facts regarding the dates of filing and denial of Plaintiff's  
2 complaint, and/or that Plaintiff has satisfied all exhaustion requirements prior to filing this  
3 lawsuit, then Plaintiff has no objection to Ms. Barbacar's testimony regarding these facts.  
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5 Plaintiff objects to UW's reservation of "the right to solicit expert opinions from the  
6 above-listed witnesses" (*Attachment 1, P. 4 line 5*).  
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8 Plaintiff reserves the right to call any witnesses identified by the UW in the attached  
9 DISCLOSURE OF PRIMARY WITNESSES.  
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11 Dated: November 8, 2017

12 Signed: s/ julie dalessio  
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